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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,067

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EXAMINER

KIM, KEVIN Y

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,067	<b>Applicant(s)</b> ISHIKAWA ET AL.	
	<b>Examiner</b> KEVIN Y. KIM	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/12/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-16 are pending. 15 and 16 are new, while 1, 2, 5, 6, 12, and 14 are amended.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim states that input criteria displayed when the speech input device is selected corresponds to input criteria when the character input device is selected. This is a race condition, and would require both input devices to be selected at the same time. Essentially, it contradicts itself, as the claim begins with the state of the speech input device being selected, but then goes on to state a condition which requires the character input device being selected. However, the speech input device is the current selected device.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-6, 8, 10-12, 14, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada (EP 0 850 673) in view of Liu (US 6,077,164).

6. In re claim 1, Hamada discloses a game device comprising:

priority input device information acquisition means for acquiring priority input device information (figure 3, 63 and 64);

input criteria display means for displaying input criteria (figure 4, 5), wherein when the priority input device information acquired by the priority input device information acquisition means indicates that a character input device is selected, a character input criteria is displayed as the input criteria (page 11, lines 29-31, "text of the TV screen") and when the priority input device information acquired by the priority input device information acquisition means indicates that a speech input device is selected, the character input criteria is displayed as the input criteria when a predetermined characteristics of the character input criteria is not provided (page 11, lines 8-9, the invention works with software which is not compatible with voice recognition, i.e. not provided), and a speech input criteria is displayed as the input criteria corresponding to the character input criteria in regard to the predetermined characteristics of character input criteria when the predetermined characteristics of the character input criteria is provided (page 11, lines 29-31, "text of the TV screen" and page 12, lines 35-45);

character input processing means which determines whether or not user input through the character input device corresponds to the input criteria displayed by the

input criteria display means, and controls a game on a basis of the determination result (page 2, lines 10-13 and 21-24); and

speech input processing means which determines whether or not user input through the speech input device corresponds to speech recognition data corresponding to the input criteria displayed by the input criteria display means, and controls the game on a basis of the determination result (page 7, lines 36-40 and page 3, lines 24-27).

As discussed by Hamada, one may call to an animal by either “Here boy!” or “Here boy! NOW!” as an alternative. While it is not explicitly disclosed that these options are displayed on the screen, Hamada has already been discussed regarding displaying options to the player on the screen.

However, Hamada is silent on the character input criteria and the speech input criteria being different. Liu teaches a method of operating a game by either using a character input mode or a speech input mode. The example given is a fighting game, in which a player may use the traditional joystick to input special fighting moves (figure 6). Alternatively, one can use their voice to input the same special attacks (figure 5). In another embodiment, users can use either method at the same time (figure 7). As can be seen in the figures, the commands to do the same special attacks are different depending on whether one is using speech or character input.

It would have been obvious to one skilled in the art at the time the invention was made to display the input criteria that changes depending on the input device, while having different input criteria depending on input method, as it is a matter of obvious design choice that yields the predictable result of showing users the possible selections

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for a game while keeping players entertained by giving them different and varied ways to control a game.

7. In re claim 2, Hamada discloses a game device comprising:

basic string storage means for storing a plurality of basic strings (figure 3, 61);

substitute string storage means for storing a substitute string corresponding to each of at least one of the plurality of basic strings stored in the basic string storage means (page 6, lines 20-32 and figure 3, 61);

when the substitute string corresponding to each of the at least one of the plurality of basic strings has not been stored in the substitute string storage means, stores speech recognition data corresponding to the basic string (figure 3, 61, page 5, lines 5-8);

and when the substitute string corresponding to each of the at least one of the plurality of basic strings has been stored in the substitute string storage means, stores speech recognition data corresponding to the substitute string (figure 3, 61, page 5, lines 5-8);

priority input device information acquisition means for acquiring priority input device information (figure 3, 63 and 64);

input criteria display means (figure 4, 5) which,

when the priority input device information acquired by the priority input device information acquisition means indicates that a character input device is selected, displays, as input criteria, the basic strings stored in the basic string storage means (page 11, lines 29-31, "text of the TV screen");

and when the priority input device information acquired by the priority input device information acquisition means indicates that a speech input device is selected, in regard to the basic strings to which the substitute string has not been stored in a corresponding manner in the substitute string storage means of the plurality of basic strings stored in the basic string storage means, displays the basic strings as input criteria (page 11, lines 29-31, "text of the TV screen"), and in regard to the basic strings to which the substitute string has been stored in a corresponding manner in the substitute string storage means of the plurality of basic strings stored in the basic string storage means, displays the substitute strings as input criteria (page 11, lines 29-31, "text of the TV screen");

control means for controlling the game on a basis of the result of determination by the determination means (page 4, lines 23-29 and page 11, lines 4-5 and 17-23).

However, Hamada is silent on the character input criteria and the speech input criteria being different. Liu teaches a method of operating a game by either using a character input mode or a speech input mode. The example given is a fighting game, in which a player may use the traditional joystick to input special fighting moves (figure 6). Alternatively, one can use their voice to input the same special attacks (figure 5). In another embodiment, users can use either method at the same time (figure 7). As can be seen in the figures, the commands to do the same special attacks are different depending on whether one is using speech or character input.

It would have been obvious to one skilled in the art at the time the invention was made to have different input criteria depending on input method, as it is a matter of

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obvious design choice that yields the predictable result of showing users the possible selections for a game while keeping players entertained by giving them different and varied ways to control a game.

8. In re claim 4, Hamada discloses a means for controlling the probability of predetermined game events on the basis of the priority input device information acquired by the priority input device information acquisition means (page 12, lines 32-34).

9. In re claims 5, 6 and 12, please see rejection for claims 1 and 2 *mutatis mutandis*, as they recite subject matter analogous to claim 1 and 2.

10. In re claim 10, Hamada discloses the game device being connectable to a character input device and a speech input device (figure 3, 7 and 2b).

11. In re claim 14, see rejection to claim 2, *mutatis mutandis*. Furthermore, Liu teaches a game device that is connectable to a character input device and a speech input device (column 1, line 65 to column 2, line 10). This is inherent, as a game device that utilizes speech input and character input must be connectable to a character and speech input device in order to be used.

12. In re claim 15, due to the indefinite nature of the claim, the examiner will interpret the claim as meaning the displayed input criteria corresponds to its currently selected input device. Thus, Liu teaches such a limitation (figures 5-7).

13. In re claim 16, see claim 15.



14. Claims 7, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada in view of Liu and Tanaka et al (US 6,544,123 B1).

15. In re claims 7, 9, and 13, Hamada has been discussed at length above and discloses acquiring priority input device information (figure 3, 63 and 64) and controlling a game on a basis of a determination result (page 4, lines 23-29 and page 11, lines 4-5 and 17-23).

However, Hamada does not explicitly disclose displaying input criteria and that the input criteria is different between when a character input device is selected and a speech input device is selected.

Tanaka teaches symbols that display on a screen that represent the command associated with it (column 11, lines 34-37). Furthermore, Hamada discloses that it is possible for alternate ways to control the character on screen with commands (page 12, lines 35-42). As discussed throughout Hamada, a player can control a game with either a normal controller or by voice recognition (page 11, lines 4-5). As a result, since Tanaka teaches the knowledge of displaying icons that represent the commands available to the player, one skilled in the art would be able to take the multiple levels of commands presented by Hamada (e.g. the choices given to the player when controlling the game by controller or by a speech input device) and display them on the screen as symbols on icons representing the options available to the player. When a speech input device is not connected to Hamada, the player can only control the game with the controller, and thus, only those input criteria would be displayed as symbols on icons. When the speech device is connected, Hamada has several additional options for

controlling characters as discussed, and thus, those options would be displayed as symbols on icons.

Furthermore, Liu has already been discussed regarding different input criteria depending on the input method selected.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to use the methods of Tanaka to display different types of input criteria available to the user as discussed in Hamada in order to facilitate the ease of the player inputting desired commands from a great number of commands, as well as being an obvious design choice yielding the predictable result of showing players the different ways of playing the game.

16. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada in view of Liu and Volk et al (US 5,673,401).

17. In re claim 3, Hamada has been discussed above, but is silent on displaying input criteria in a font size according to the priority input device information.

Volk et al discloses an input device (Figure 1, 54) that is connected to a game device, with the input device being able to control such elements in the interface as the font size (column 34, line 34). It would have been obvious to one skilled in the art at the time the invention was made to combine the font size controlling methods of Volk with the game device of Hamada in order to use visual cues to help lead the user through the various control operations.

### ***Response to Arguments***

18. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN Y. KIM whose telephone number is (571)270-3215. The examiner can normally be reached on Monday-Thursday, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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